

**REMARKS**

Claims 35-41 are currently pending in the present application. Reconsideration and reexamination of the claims, as amended, are respectfully requested.

The Examiner objected to Claims 36, 40, and 41 for reasons of informality. Applicants have amended the claims to correct the informalities.

The Examiner rejected Claim 35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended Claim 35 to overcome this rejection.

The Examiner rejected Claims 35-41 under 35 U.S.C. § 103(a) as being unpatentable over Connick Jr. (U.S. patent no. 6,348,648) in view of Hara et al. (U.S. patent no. 6,438,611). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, the present invention as claimed is directed to apparatus and software for facilitating joint composition of a musical piece by a plurality of users. Specifically, music data is composed and edited on a server in response to instructions from a plurality of client terminals. The server updates the music data each time the music data is edited by a user, and sends the latest version of the revised music data in response to an update request from a client terminal. As further claims in Claims 37 and 41, the client apparatuses may facilitate chat functions for exchanging conversations amongst the users; the contents of the conversations are registered and updated in the server apparatus.

Applicants have amended the claims to further clarify that a music piece created under the present invention is a result of collaboration by a plurality of users of client apparatuses, together which each of the user's' ideas are collected.

Connick does not disclose facilitating composition of music pieces by a plurality of collaborating users using a plurality of client apparatuses, as recited in the claims. Rather, Connick discloses a composer station and a plurality of player stations connected to each other via a network. The disclosed system allows for the plurality of the players to perform at the same time to form an orchestra (e.g., a “jam” session). During a joint performance, the musical score of a particular instrument within the orchestra can be viewed by the respective players. However, Connick does not contain any disclosure or suggestion of the players having the ability to edit or compose music. Rather, only a conductor at the composer station can edit the music performance data.

The Examiner points to the Abstract of Connick, which states “A system and method for coordinated music composition and display among musicians is presented” as a disclosure of joint composition of music by a plurality of users. However, as the next sentence of the Abstract states, “[t]he system and method enables a conductor, composer or band leader to interactively edit one or more score parts of a composition . . . .” It is clear from the Abstract, as it is from the rest of the patent specification of Connick, that the disclosed system allows only one person to compose music, not a plurality of users using different client apparatuses.

Hara fails to make up for the deficiencies of Connick. As previously communicated, Hara is directed to a network music playing system for enabling a band performance amongst a plurality of members. Similar to Connick, while Hara teaches a joint playing of music (see, e.g., Abstract), Hara does not contain any disclosure or suggestion of facilitating collaborative composition of music amongst a plurality of users using a plurality of client apparatuses. Again, Applicants respectfully submit that the sections of Hara pointed out by the Examiner in the Detailed Action in fact do not teach or suggest composing music, but are rather directed to performance of music.

Finally, Applicants respectfully submit that neither Connick nor Hara teach or suggest providing updated music pieces to the individual members, as recited in the claims. Accordingly, even if combined, the references do not disclose the present invention as claimed.

In view of the above, Applicants respectfully submit that the Claims 35-41 are not anticipated by, or obvious in view of, either one of Hara or Connick Jr., or the combination thereof.


An entry of amendment after final office action is respectfully requested, as the amendments do not raise any new issues.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032021900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 24, 2006

Respectfully submitted,

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